

regarding the article, which were false and misleading, that is to say, the following words, "Olio Sopraffino \* \* \* raccomandata specialmente per insalata \* \* \* e garentito migliore di tutti," and also bore the design of the Italian flag and sprays of olive branches, the above statement not being corrected by the statement in inconspicuous type, "Cottonseed salad oil flavored with pure olive oil, a compound," which statements, designs, and devices were intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not; for the further reason that said product purported to be a foreign product, when, in truth and in fact, it was a product of domestic manufacture packed in the United States; for the further reason that the labels of the article bore the words, "One Gallon" and "One-Half Gallon," respectively, whereas there was an appreciable shortage in volume in each can; for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count; and for the further reason that said article was an imitation of, and was offered for sale under the distinctive name of another article, to wit, olive oil.

On October 20, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7867. Adulteration of evaporated apples. U. S. \* \* \* v. 25 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 9091. I. S. No. 16561-p. S. No. W-228.)

On June 26, 1918, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 25 boxes of evaporated apples, remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped on or about April 3, 1918, and transported from the State of New York into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The boxes were labeled, in part, "25 lbs. Net Fancy Whole Evaporated Apples Packed by Hartman & Co., Rochester, N. Y., Sulphured, The Morey Mercantile Company, Denver, Colo."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of decomposed vegetable substance and was moldy, the surface being practically covered by green-gray mold and the product having an offensive odor.

On August 26, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

**7868. Adulteration and misbranding of vinegar. U. S. \* \* \* v. Ozark Cider & Vinegar Co., a Corporation (O. L. Gregory Co.). Plea of guilty. Fine, \$75 and costs.** (F. & D. No. 9234. I. S. Nos. 8116-p, 8952-p.)

On November 22, 1918, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ozark Cider & Vinegar Co., a corporation, Siloam Springs, Ark., alleging

shipment by said company, under the name of O. L. Gregory Co., in violation of the Food and Drugs Act, as amended, on or about February 18, 1918, and July 18, 1917, from the State of Arkansas into the State of Oklahoma, of quantities of vinegar which was adulterated and misbranded. The vinegar shipped in February was labeled, "Ozark Cider & Vinegar Co. Sugar Vinegar. Siloam Springs, Ark." The vinegar shipped in July was labeled, in part, "Mountain Brand Apple Cider Vinegar contents approx. one pint nine ounces Manufactured by The Ozark Cider & Vinegar Co., Siloam Springs, Ark."

Analysis of a sample of the so-called sugar vinegar by the Bureau of Chemistry of this department showed that it consisted largely of distilled vinegar or dilute acetic acid. Analysis of a sample of the Mountain Brand apple cider vinegar, so called, showed that it was either distilled vinegar or dilute acetic acid artificially colored.

Adulteration of both vinegars was alleged in the information for the reason that a substance, to wit, either distilled vinegar or dilute acetic acid, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for sugar vinegar or apple cider vinegar, as the case might be, which the article purported to be. Adulteration of the so-called apple cider vinegar was alleged for the further reason that it was an article inferior to apple cider vinegar, to wit, an article composed in part of either distilled vinegar or dilute acetic acid, and was artificially colored so as to simulate the appearance of apple cider vinegar and in a manner whereby its inferiority to apple cider vinegar was concealed.

Misbranding of both vinegars was alleged for the reason that the statement, to wit, "Sugar Vinegar" or "Apple Cider Vinegar," borne on the labels attached to the barrels or bottles containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented that said article was sugar vinegar or apple cider vinegar, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sugar vinegar or apple cider vinegar, whereas, in truth and in fact, it was not, but was a product composed in part of either distilled vinegar or dilute acetic acid, and either distilled vinegar or dilute acetic acid artificially colored, as the case might be. Misbranding of the so-called Mountain Brand apple cider vinegar was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 23, 1918, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$75 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

**7869. Adulteration and misbranding of alleged olive oil. U. S. \* \* \* v. 7 Cases \* \* \* Alleged Olive Oil. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9828. I. S. No. 12367-r. S. No. C-1088.)**

On March 3, 1919, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases, each containing 12 1-gallon cans of alleged olive oil, at Cleveland, Ohio, alleging that the article had been shipped on or about August 12, 1918, by D. Sciafani and L. Marinello, New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was